

650 Town Center Drive, Suite 620
Costa Mesa, CA 92626-1925
Phone: (714) 708-8555
Fax: (714) 708-8565

**Birch, Stewart,
Kolasch & Birch, LLP**

Fax

To:	MS Express Abandonment	From:	Leonard R. Svensson
Fax:	(703) 305-8568	Pages:	3 including cover sheet
Phone:		Date:	July 14, 2004
Your Ref.:	10/772,176	Our Ref.:	1718-0213P
Re:	Petition Under 37 CFR § 1.138 to Expressly Abandon and W/Draw Application from Publication	CC:	

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (714) 708-8555, and send the original transmission to us by return mail at the address above.

● **Comments:**

MS EXPRESS ABANDONMENT
PATENT
1718-0213P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Johan G HARMENBERG et al. Conf.: 4460
Appl. No.: 10/772,176 Group: 1614
Filed: February 3, 2004 Examiner: Frederick KRASS
For: PHARMACEUTICAL COMBINATION

PETITION UNDER 37 CFR § 1.138(c)
TO EXPRESSLY ABANDON AND
WITHDRAW APPLICATION FROM PUBLICATION

MS EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

OK FOR ABANDONMENT July 14, 2004

JUL 14 2004

Sir:

PG PUB DIVISION
INITIALS BDD

Pursuant to the provisions of 37 C.F.R. § 1.138, Applicant(s) hereby expressly abandons this application, but not the invention recited therein, without prejudice, and requests that the application be withdrawn from publication.

This action is taken without prejudice to the right of the Applicant to seek patent protection for the same or similar claims in other co-pending applications.

According to 37 CFR § 1.138(c), "(a)n applicant seeking to abandon an application to avoid publication of the application (see § 1.211(a)(1)) must submit a declaration of express abandonment by way of a petition under this section including the fee set forth in § 1.17(h) in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process. Applicant should expect that the petition will

07/15/2004 KKing1 00000001 022448 10772176

01 FC:1460 130.00 DA

Appl. No. 10/772,176

not be granted and the application will be published in regular course unless such declaration of express abandonment and petition are received by the appropriate officials more than four weeks prior to the projected date of publication."

In this regard, it is respectfully submitted that the present application has not yet been assigned a projected publication date. Accordingly, it is believed that this request be accepted as timely filed.

Please charge the amount of \$130.00, as payment of the fee under § 1.17(h), to Deposit Account No. 02-2448.

It is respectfully requested that confirmation that this application is abandoned and will not be published be forwarded to the undersigned.

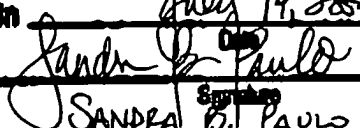
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Leonard R. Svensson, #30,330

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Certificate of Transmittal
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office:
On July 14, 2004

SANDRA B. PAULO
Typed or printed name of person signing certificate
LRS/SWG/sbp
1718-0213P

(Rev. 06/11/2004)